

## Planning Commission Hearing Minutes August 11, 2014

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Barbara Nicklas Arlene Perkins		Gabrielle Dunn-Division Manager for Current Planning Matt Davis-Division Manager of Comprehensive Planning Devon Hahn - Traffic Engineer Brandon Mark-City Planner Jackie Marsh-City Planner Pam Reppert-City Planner Scott Waxter- Assistant City Attorney Carreanne Eyler-Administrative Assistant

### I. ANNOUNCEMENTS:

### II. APPROVAL OF MINUTES:

Approval of the **July 11, 2014** Pre-Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner McConnell.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

Approval of the **July 14, 2014** Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner McConnell.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

Approval of the **July 21, 2014** Planning Commission Workshop Minutes as published:

**MOTION:** Commissioner McConnell.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-1. (Commissioner McConnell abstained)

Approval of the **August 8, 2014** Pre-Planning Commission Meeting Minutes as published:

The August 8, 2014 minutes were tabled until the September 8, 2014 Planning Commission Hearing.

### III. PUBLIC HEARING-SWEARING IN:

*"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".*

### IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an

item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

- A. PC14-228FSU, Final Subdivision Plat, Value Place Hotel
- B. PC14-418FSU, Final Subdivision Plat, Hluch Property
- C. PC14-537FSU, Final Subdivision Plat, Monocacy Substation
- D. PC14-337FSCB, Combined FSD/PFCP, Frederick High School

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved for the approval of agenda items A-D.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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Paul Flynn, Powell Flynn LLP, requested that Item E. PC14-337FSU, Final Subdivision Plat, Frederick High School be pulled from the consent agenda but specifically did not request the accompanying PC14-337FSCB, Combined FSD/PFCP for Frederick High School to be pulled.

The Commission pulled item E from consent agenda to be heard prior to agenda item Q.

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**V. CONTINUANCES:**

- F. PC14-118FSI, Final Site Plan, Frederick Towne Center
- G. PC14-119FSCB, Combined FSD/PFCP, Frederick Towne Center

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to continue PC14-118FSI & PC14-119FSCB, Frederick Towne Center for up to 30 days to the September 8, 2014 Planning Commission Hearing.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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- H. PC14-220PSU, Preliminary Subdivision Plat, West Park Village
- I. PC14-221FSCB, Combined FSD/PFCP, West Park Village

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to continue PC14-220PSU & PC14-221FSCB, West Park Village for up to 60 days to the October 13, 2014 Planning Commission Hearing.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**VI. OLD BUSINESS:**

**J. PC14-224FSI, Final Site Plan, Value Place Hotel**

Ms. Marsh entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action Section 605(f):**

**MOTION:** Commissioner McConnell moved for the approval of a modification to Section 605(f), Street Tree Landscaping Requirements, in order to allow for the proposed street trees to be placed behind the planting strip so as to not impede pedestrian and vehicular visibility.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Planning Commission Action Section 405(c) (d):**

**MOTION:** Commissioner McConnell moved for the approval of the architectural elevations dated 7/28/14 and the signs as proposed on letter to staff dated 7/31/14 for compliance with Section 405(c) (d) of the LMC.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Planning Commission Action PC14-224FSI:**

**MOTION:** Commissioner McConnell moved to approve final site plan PC14-224FSI with the one condition to be met in less than 60 days and the one condition to be met in greater than 60 days and less than one year as read into the record by staff.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**K. PC14-265ZMA, Map Amendment, 7516 Hayward Road**

Mr. Davis entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner McConnell for a positive recommendation to the Mayor & Board of Aldermen.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**L. PC14-267ZMA, Map Amendment, Sanner Property**

Mr. Davis entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner McConnell for a positive recommendation to the Mayor & Board of Aldermen.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**M. PC14-269ZMA, Map Amendment, Hargett Farm**

Mr. Davis entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner McConnell for a positive recommendation to the Mayor & Board of Aldermen.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**N. PC14-219MU, Master Plan, West Park Village**

Mr. Mark entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to approve PC14-219MU in accordance with Section 310 & 417 of the LMC as recommended by staff.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**VII. NEW BUSINESS:**

**O. PC14-214MU, Master Plan, Bowersox Property**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

This is the first of two required public hearings so no vote was taken.

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**P. PC14-427FSI, Final Site Plan, Monocacy Substation**

Mr. Mark read the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action Section 605(e):**

**MOTION:** Commissioner McConnell moved for the approval of a modification to Section 605(e), for the Level III or IV screening required along the western property line of the subject parcel due to the common ownership and the operational considerations unique to this specific use and based on the five trees planted at the southwest corner of the property as a compensating feature.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Planning Commission Action PC14-437FSI:**

**MOTION:** Commissioner McConnell moved to approve PC14-437FSI for the Monocacy Substation expansion at 1711 North Market Street.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**E. PC14-338FSU, Final Subdivision Plat, Frederick High School**

Mr. Mark entered the entire staff report into the record. There was public comment on this item.

Paul Flynn of Powell Flynn, LLP stated there are three reasons the subdivision plat should be rejected, under 507 (a)(2) the criteria for approving a subdivision plat incorporate by reference the design standards of Section 601. There are access management regulations which require that the Planning Commission apply the planning principles to protect the community safety. The citizens should not be put at undue risk of traffic. Secondly, 507 (d) (B) requires that subdivision process be coordinated with the site plan approval and that there be an agreement to be recorded with all landowners in which the landowners agree not to restrict common access or usage. There is no agreement with Carroll Parkway, LLC nor has there been any attempt to reach an agreement. Lastly, he indicated that the posting notice requirements had not been met. It was his feeling that the Applicant should have posted at the end of Grove Boulevard as a frontage under Section 301 and they haven't done that. Mr. Flynn submitted some documents for the record.

Terrence McPherson stated that there was a comment made that all the property owners received notice. He said they did not receive any notice.

Bob Low of 750 Carroll Parkway asked why they don't just purchase the Parkview apartments and tear them down, just make a big parking lot there because they are going to ruin them anyway.

**MOTION:** Commissioner McConnell moved for approval final subdivision plat PC14-338FSU for the Frederick High School and West Frederick Middle School based on the staff report read into the record and with one condition to be met in less than 60 days that the owner certification and dedication note it shall state specifically the property is subject of a pending court action.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Q. PC14-336FSI, Final Site Plan, Frederick High School**

Mr. Mark entered the entire staff report into the record. There was public comment on this item.

Bridget McNamara of 750 Carroll Parkway stated that once Grove Boulevard is open for construction equipment the quality of life will be diminished. She also feels that once the entrance is open it will be used by others rather than just buses. She also feels that no one really reached out to the residents that live in her building.

Terrence McPherson stated that they were never contacted. He said once he heard about it he met with Ray Barnes of FCPS and addressed their concerns of safety and a possible alternative form of access to the property. He contacted Fox & Associates and an alternative concept plan was presented at the Planning Commission Workshop and to their understanding the most desirable plan was to attach the greenhouse to the school. There were some objections. He added that they have come up with another concept plan that should be considered. He feels that staff should not make the decision on this project but this decision should be made by the court of law because this is dealing with property rights. He request that the Commission postpone or deny the site plan as proposed.

Nick Sadler of Sunshine Management submitted a letter for the record and stated that he is in opposition of the proposed Frederick High School plan to create a school bus egress route over the Parkview Apartments land and on Grove Boulevard. He added that he doesn't understand why this plan is moving forward due to the legal challenge that is pending. He feels that a better alternative plan has been offered by the adjacent property owner and would have better traffic flow.

Diana Booth, Property Manager for Parkview Apartments is opposed to the plan. She said that Grove Boulevard is the only access for the residents who live there. She has concerns for their safety and suggested that Mercer Place be an access for the construction trucks to use. She concluded that some of the residents have told her if this plan does get approved they will move out.

Paul Flynn of Powell Flynn LLP stated that the Grove Boulevard limitations are not enforceable short term or in the long term. This will become an all-purpose access which is inappropriate. He added that they are there to express legitimate problems and explicitly objecting to the signage. From the day we heard about this we have been attempting to communicate with them for an alternative plan. We have a plan that works. He indicated that there were repeated attempts communicating communicate with the school board and keeping a dialogue with no response. He added that there is also a concern for the safety of the over 55 residents. They should not have to cross in front of school buses just like the school board has said that is unsafe for the students, it is unsafe for them as well. We are here to propose solutions and to create a community that can live together with this school. He concluded by requesting the plan not be approved.

Kathy Campagnoli, principal of Frederick High School stated that they are excited and they have spent a lot of time designing the building. The community has embraced this project because they know it is long overdue and every minute is crucial that we move ahead in this project. She added that they are in very much in support of the plan that is presented by the Board of Education.

Jana Sheffer, Frederick High School PTSA president stated that this project the community has been fighting for many years. What we are talking about are buses that will be coming for 30 minutes in the morning and 30 minutes in the afternoon. She added that right now it is a nightmare trying to get student drivers, parent drivers and buses all coming in and out of the same place. She added that she does feel for the community but it is a school and the kids deserve to have a good school, they deserve to have a safe environment coming and going and all of the families. We can work it out with signage instead of gates and try it with ways to accommodate some of their concerns. She is in support of the project and this project needs to move forward.

Kevin Hessler, owner of Parkview apartments stated that he heard how much community outreach was done and he stated that he checked with his partner who supposedly received notice of this site plan and he never received it. He thinks that close to 100 tenants didn't get to speak because they did not know about the project.

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to continue final site plan PC14-336FSI Frederick High School to the September 8, 2014 Planning Commission hearing with the understanding that the applicant evaluate and come up with a proposal on how access would be limited on Grove Boulevard to buses only in the morning and evening and how enforcement of this limited access on Grove Boulevard would occur.

**SECOND:** Commissioner Nicklas

**VOTE:** 4-1. (Alderman Russell opposed)

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**R. PC14-527ZMA, Map Amendment, 731 North Market Street**

Ms. Dunn entered the entire staff report into the record. There was public comment on this item.

Kathy Stoner of 708 North Market Street stated that an IST floating zone would thwart the neighborhood revitalization; it would jeopardize the home value and the quality of life for every resident in the proximity to the 700 block of North Market Street. She added that helping women and children who are homeless is a worthy cause but changing that zoning classification to an IST floating zone is not the best solution.

Margarite Sharpe of 809 North Market stated that she has a concern that this will only allow children 12 years old and under into the program with their parents. She also has a concern of the children playing in the play area unsupervised on the property. She asked what will happen to the value of her home, she doesn't want to see the value decrease just because of an institution. She feels zoning it to IST is inappropriate.

Barry Salisbury of Frederick Rescue Mission stated that the mission works; it works miracles for people lives. She understands the concerns but she has seen what it can do for people and how it turns their lives around.

Tommy Skaggs of Frederick Rescue Mission stated that he was homeless at one time and is now employed with the Rescue Mission. He stated that he is one of many men who lives have been changed by the Rescue Mission. People are worth the investment and if you invest in them then later on they will invest back.

**Planning Commission Action:**

This is the first of two required public hearings so no vote was taken.

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There was no further business.

**Meeting adjourned approximately at 9:45 p.m.**

Respectfully Submitted,

Carreanne Eyer  
Administrative Assistant

Approved 09-08-2014